

## REMARKS

Claims 1-60 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat. No 5,931,867 to Haindl. By this amendment, claims 1 and 60 have been amended, and claims 22-33 have been cancelled without prejudice or disclaimer as to the subject matter contained therein. A telephone interview was conducted between the undersigned attorney and Examiner Baxter on 19 May 2004.

### Interview summary

The undersigned attorney wishes to thank the Examiner for the courtesies extended during the telephone interview of 19 May 2004. During that interview, a proposed amendment to claim 1 was discussed. Agreement was reached that the proposed amendment would distinguish the present invention over Haindl because Haindl does not provide a stent in which each end of each bar element connects to an adjacent bar element forming an angle of between 80° and 100°. That amendment is now presented in the current response.

### Argument

In light of the agreement reached during the telephone interview of 19 May 2004, claim 1 has been amended as previously proposed. Support for this amendment may be found in Figs. 1 and 2, and paragraphs 16 and 17 of the specification. The Applicants maintain that claim 1, as amended, patentably distinguishes over the cited prior art and that this amendment does not provide any new issues requiring additional consideration or search. Likewise, claims 2-21 and 34-59, which depend from and contain all the limitations of claim 1, also patentably distinguish over Haindl.

Although amendment of claim 60 was not discussed *per se* during the interview of 19 May 2004, claim 60, which claims a catheter including a stent having the structure of the stent of claim 1, is amended herein in a manner which is consistent with the amendment of claim 1 mentioned above. Therefore, the Applicants maintain that the present amendment of claim 60 provides no new issues requiring additional consideration or search and that claim 60 likewise patentably distinguishes over Haindl.

Accordingly, the Applicants respectfully request reconsideration of the previous rejections and earnestly solicit the issuance of a Notice of Allowance. No fees are believed to be due with the filing of this response. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Cunniff", written in a cursive style.

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